

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 95-60

August 17, 1995

TO : All Regional Directors, Officers-in-Charge, and  
Resident Officers

FROM : B. Allan Benson, Acting Associate General Counsel

SUBJECT : Submission of Regional Office Files and Comments  
on Appeal to the Office of Appeals

As part of the process of determining what customer service standard should be adopted, the Office of Appeals is reviewing ways in which it can reduce the time required to process appeals of Regional dismissals of unfair labor practice charges. Time spent preparing the comment on appeal and forwarding the Regional Office file to Appeals accounts for some of the processing time. Currently, CHM Section 10122.11 requires the file to be transmitted to the office of Appeals within 3 days. If it cannot be sent within 3 days a memorandum is to be prepared and sent to Appeals explaining the reason for the delay, the estimated date of submission, and information on related cases. While many Regions send files to Appeals very promptly, none meets the clearly unrealistic time goal of 3 days.

Delays in submission of ROFs have frequently been attributed to the unavailability of the Board agent to prepare the comment on appeal. In order to reduce delays in submission of the ROFs, without increasing the burden on the Regional Offices, CHM Section 10122.11 is being revised.

If the ROF and comment on appeal cannot be submitted to Appeals within 15 days of the Region's receipt of the appeal, the ROF should be forwarded to Appeals without such comment. In the latter situation, the Region must still notify Appeals of related cases and/or any need to expedite the appeal when it submits the file to the office. Of course, those Regions which are able to do so are encouraged to continue to submit the comment on appeal and ROF in less than 15 days. If based on its review of the appeal the Region wants to reconsider its dismissal or engage in further investigation, the Region need not send in the file within 15 days. However, it should notify Appeals by E-mail of its intentions.

If you have any questions, please contact your Assistant General Counsel.

B. A. B.

cc: NLRBU

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